

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

-----X
MICHAEL ESTRADA, individually
and on behalf of others
similarly situated,

Plaintiff,

vs.

CIVIL ACTION NO.: 12-604

MAGUIRE INSURANCE AGENCY,
INC.,

ECF CASE

Defendant.
-----X

DATE: November 26, 2012

TIME: 9:56 a.m.

Deposition of:

MICHAEL ESTRADA

called for oral examination by counsel for
Defendant, pursuant to Notice, held at the
office of CONRAD, O'BRIEN, GELLMAN & ROHN, 1500 Market
Street, Centre Square, West Tower, Suite 3900,
Philadelphia, Pennsylvania, before CORINNE J. BLAIR, a
CRR, CCR, RPR, CLR, of Capital Reporting Company, and
a Notary Public of the Commonwealth of Pennsylvania.

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<p style="text-align: right;">6</p> <p>1 STIPULATIONS</p> <p>2 IT IS HEREBY STIPULATED, by and between the</p> <p>3 attorneys for the respective parties hereto that:</p> <p>4 All rights provided by the C.P.L.R., and Part</p> <p>5 221 of the Uniform Rules for the Conduct of</p> <p>6 Depositions, including the right to object to any</p> <p>7 question, except as to form, or to move to strike</p> <p>8 any testimony at this examination is reserved; and</p> <p>9 in addition, the failure to object to any question</p> <p>10 or to move to strike any testimony at this</p> <p>11 examination shall not be a bar or a waiver to make</p> <p>12 such motion at, and is reserved to, the trial of</p> <p>13 this action.</p> <p>14 This deposition may be sworn to by the witness</p> <p>15 being examined before a Notary Public other than the</p> <p>16 Notary Public before whom this examination was</p> <p>17 begun, but the failure to do so or to return the</p> <p>18 original of this deposition to counsel within 60</p> <p>19 days, shall not be deemed a waiver of the rights</p> <p>20 provided by Rule 3116 of the C.P.L.R., and shall be</p> <p>21 controlled thereby. The filing of the original of</p> <p>22 this deposition is waived.</p> <p>23 IT IS FURTHER STIPULATED, that a copy of this</p> <p>24 examination shall be furnished to the attorney for</p> <p>25 the witness being examined without charge.</p>	<p style="text-align: right;">8</p> <p>1 M. ESTRADA</p> <p>2 understood my question, and that you've giving your</p> <p>3 best answer.</p> <p>4 Do you understand everything I've</p> <p>5 said so far?</p> <p>6 A Yes.</p> <p>7 Q Because this -- everything that we say</p> <p>8 here today, my questions and your answers, are being</p> <p>9 taken down by a court reporter, it's important that</p> <p>10 we try not to speak over each other. It is not my</p> <p>11 intent at all today to interfere or interrupt any of</p> <p>12 your answers to questions, and I would ask that you</p> <p>13 let me finish my question before you begin your</p> <p>14 answer.</p> <p>15 If I haven't finished my question,</p> <p>16 I'll advise you of that, and you should feel free to</p> <p>17 do the same if you feel that I've interrupted your</p> <p>18 answer.</p> <p>19 The last thing is that the court</p> <p>20 reporter needs answers to be audible. You can't</p> <p>21 rely on nodding your head or shaking your head.</p> <p>22 A Okay.</p> <p>23 Q So, again, I'm sure your attorneys will</p> <p>24 remind you about that, but I wanted to mention that</p> <p>25 before we got started.</p>
<p style="text-align: right;">7</p> <p>1 M. ESTRADA</p> <p>2 M-I-C-H-A-E-L E-S-T-R-A-D-A, called as a witness,</p> <p>3 having been first duly sworn by a Notary Public of</p> <p>4 the Commonwealth of Pennsylvania}, was examined and</p> <p>5 testified as follows:</p> <p>6</p> <p>7 EXAMINATION BY</p> <p>8 MS. BLOOM:</p> <p>9 Q Good morning, Mr. Estrada.</p> <p>10 A Good morning.</p> <p>11 Q My name is Elise Bloom. We met a few</p> <p>12 minutes ago. I'm an attorney with Proskauer Rose</p> <p>13 and we're representing the defendant in the case</p> <p>14 that you instituted here in federal court.</p> <p>15 I'm going to ask you some questions</p> <p>16 today about the allegations that you've made in your</p> <p>17 lawsuit. If I ask you a question that you don't</p> <p>18 hear, please let know know that and I'll ask the</p> <p>19 court reporter to read the question back.</p> <p>20 If I ask you a question that you</p> <p>21 don't understand, please advise me of that and I</p> <p>22 will attempt to rephrase the question in a way</p> <p>23 that's meaningful to you.</p> <p>24 If you answer a question, I'm going</p> <p>25 to assume that you've heard my question, that you've</p>	<p style="text-align: right;">9</p> <p>1 M. ESTRADA</p> <p>2 A Okay.</p> <p>3 Q Okay. Can you state your full name,</p> <p>4 please?</p> <p>5 A Michael Angelo Estrada.</p> <p>6 Q And Mr. Estrada, have you ever been known</p> <p>7 by any names other than Michael Angelo Estrada?</p> <p>8 A Mike Estrada and Miguel Estrada.</p> <p>9 Q What is your -- any other names?</p> <p>10 A No.</p> <p>11 Q What is your address?</p> <p>12 A I'm sorry. I didn't hear you.</p> <p>13 Q Your address?</p> <p>14 A It's 7918 North McArthur Boulevard,</p> <p>15 Apartment 4055, Irving, Texas, 75063.</p> <p>16 Q How long have you lived at that address?</p> <p>17 A Almost a year.</p> <p>18 Q You gave an apartment number. Is it fair</p> <p>19 to assume that that's an apartment?</p> <p>20 A Correct.</p> <p>21 Q And do you own or rent that apartment?</p> <p>22 A Rent.</p> <p>23 Q And do you live there with anybody else?</p> <p>24 A No.</p> <p>25 Q Where did you live immediately prior to</p>

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<p style="text-align: right;">30</p> <p>1 M. ESTRADA</p> <p>2 you can in the private sectors.</p> <p>3 Q Did you interview with somebody for the</p> <p>4 position?</p> <p>5 A I did.</p> <p>6 Q Who did you interview with?</p> <p>7 A Roger Terry and Mona Born.</p> <p>8 Q And you were offered the job?</p> <p>9 A Yes.</p> <p>10 Q And when you were offered the position,</p> <p>11 did you understand that you'd be paid a salary?</p> <p>12 A Yes.</p> <p>13 Q Did you understand that you would not be</p> <p>14 paid overtime?</p> <p>15 A Yes.</p> <p>16 Q What was it about your background and</p> <p>17 experience that you felt made you a good candidate</p> <p>18 for the job?</p> <p>19 A Um, I think my organizational skills,</p> <p>20 working at MCI, my technical ability.</p> <p>21 Q What about your technical abilities?</p> <p>22 A Just extremely proficient with computers</p> <p>23 and ...</p> <p>24 Q You filled out an employment application;</p> <p>25 is that correct?</p>	<p style="text-align: right;">32</p> <p>1 M. ESTRADA</p> <p>2 you did not supply?</p> <p>3 A Not that I can -- not that I see.</p> <p>4 Q Okay. And you understood in filling this</p> <p>5 out that you were supposed to provide truthful</p> <p>6 information; is that correct?</p> <p>7 A Correct.</p> <p>8 Q I notice that one of your references is</p> <p>9 Tamisha Williams.</p> <p>10 A Yes.</p> <p>11 Q So you knew Miss Williams before you</p> <p>12 started working for Philadelphia?</p> <p>13 A Yes. We worked together at United Auto</p> <p>14 insurance.</p> <p>15 Q What, if anything, was her role in</p> <p>16 bringing you to Philadelphia?</p> <p>17 A I brought her into Philadelphia.</p> <p>18 Q You brought her in?</p> <p>19 A Yes.</p> <p>20 Q So when you listed her as a reference, she</p> <p>21 was still working at United?</p> <p>22 A Yes. Oh, no. Actually, she may have</p> <p>23 already been fired by that time.</p> <p>24 Q She was fired by United?</p> <p>25 A Uh-huh. Well, she was laid off.</p>
<p style="text-align: right;">31</p> <p>1 M. ESTRADA</p> <p>2 A Correct.</p> <p>3 Q At what point in the process did you fill</p> <p>4 out the employment application?</p> <p>5 A I believe within the first couple of</p> <p>6 weeks.</p> <p>7 Q Before you got the job?</p> <p>8 A Yes.</p> <p>9 Q So during the interview process?</p> <p>10 A Yes, correct.</p> <p>11 MS. BLOOM: Can you mark this, please, as</p> <p>12 Estrada-1.</p> <p>13 (Estrada-1, Employment Application, was</p> <p>14 received and marked for identification at this</p> <p>15 time.)</p> <p>16 BY MS. BLOOM:</p> <p>17 Q I've just handed you a copy of a document</p> <p>18 that's been marked as Estrada Exhibit Number 1.</p> <p>19 Could you take a moment to review that and let me</p> <p>20 know when you've had a chance to review it?</p> <p>21 A Okay.</p> <p>22 Q Is this a copy of your employment</p> <p>23 application?</p> <p>24 A Yes. That's what it looks like.</p> <p>25 Q Is there any information on Exhibit 1 that</p>	<p style="text-align: right;">33</p> <p>1 M. ESTRADA</p> <p>2 Q Laid off.</p> <p>3 A What happened is about whenever we needed</p> <p>4 to find a claims assistant, her unemployment was</p> <p>5 about to run out, and that's when I recommended her</p> <p>6 to Mona, to interview.</p> <p>7 Q So when you listed her on your employment</p> <p>8 application, was she still working for United?</p> <p>9 A I don't know. She may have been.</p> <p>10 Q Maria Gonzalez, has she ever worked for</p> <p>11 Philadelphia?</p> <p>12 A No.</p> <p>13 Q Claudia Taloson (sic)?</p> <p>14 A Talosa, no.</p> <p>15 Q Has not worked for Philadelphia?</p> <p>16 A No.</p> <p>17 Q In looking at your employment application,</p> <p>18 you list United Auto Insurance Company as your</p> <p>19 employer at the time you were looking for a job at</p> <p>20 Philadelphia; is that right?</p> <p>21 A Yes.</p> <p>22 Q And you were earning an hourly wage there?</p> <p>23 A Correct.</p> <p>24 Q Did you get overtime?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">34</p> <p>1 M. ESTRADA</p> <p>2 Q So you knew in going to Philadelphia that</p> <p>3 this was going to be a change?</p> <p>4 A Yes.</p> <p>5 Q Under your experience at United, you say,</p> <p>6 "Investigation of third-party auto accidents and</p> <p>7 resolving claims made against the insured's policy.</p> <p>8 negotiate settlement with third parties once</p> <p>9 coverage and liability have been determined."</p> <p>10 That's what you were doing at United</p> <p>11 Auto Insurance Company?</p> <p>12 A Yes.</p> <p>13 Q And what, if anything, about that</p> <p>14 experience did you believe was going to be helpful</p> <p>15 at Philadelphia?</p> <p>16 A Handling the claims, the auto accidents.</p> <p>17 Q Why?</p> <p>18 A Because I had -- because of the experience</p> <p>19 I got in doing that with United Auto.</p> <p>20 Q So the experience negotiating settlements?</p> <p>21 A Yes.</p> <p>22 Q And when you were investigating and</p> <p>23 resolving claims at United Auto Insurance Company,</p> <p>24 how did you go about that process?</p> <p>25 A I'm sorry?</p>	<p style="text-align: right;">36</p> <p>1 M. ESTRADA</p> <p>2 claims.</p> <p>3 Q When you say "Fast Track," what does that</p> <p>4 mean?</p> <p>5 A Simple claims. Easy claims that, you</p> <p>6 know, insured backed into a parked vehicle. Nothing</p> <p>7 that -- that involves a lot of investigation. Who</p> <p>8 ran a red light. Anything like that.</p> <p>9 Q When you got the job at Philadelphia, who</p> <p>10 did you work for; who was your immediate boss?</p> <p>11 A Mona Born.</p> <p>12 Q And were there other claims examiners that</p> <p>13 worked for Mona?</p> <p>14 A Yes.</p> <p>15 Q Who were they?</p> <p>16 A Craig Olleck, Vicky Manning. I think she</p> <p>17 was transitioning from an admin person to an</p> <p>18 adjuster at that time when I started.</p> <p>19 Q Anybody else?</p> <p>20 A Marvel Webb. And I believe Shakelia Hayes</p> <p>21 came shortly after I did.</p> <p>22 Q Did you handle any claims involving rental</p> <p>23 cars?</p> <p>24 A Not that I can recall. Rent a cars being</p> <p>25 damaged?</p>
<p style="text-align: right;">35</p> <p>1 M. ESTRADA</p> <p>2 Q At United Auto, how did you go about that</p> <p>3 process?</p> <p>4 A I'm sorry. What was the process?</p> <p>5 Q How did you go about the process of</p> <p>6 investigating and resolving claims?</p> <p>7 A Oh. I would contact both parties, the</p> <p>8 claimant and insured, and get their statements on</p> <p>9 how the accident happened; the police report, if</p> <p>10 there is one, and make a liability decision. If</p> <p>11 there's coverage, then we would settle the claim.</p> <p>12 Q And you say "make a liability</p> <p>13 determination," what do you mean?</p> <p>14 A Deciding who's at fault.</p> <p>15 Usually, if there's a police report,</p> <p>16 we usually went by the police report.</p> <p>17 Q And then what would you do?</p> <p>18 A Get an appraiser out there to do an</p> <p>19 estimate on the damages, and pay the claim if</p> <p>20 liability was accepted.</p> <p>21 Q Now, when you applied for the job at</p> <p>22 Philadelphia, what, if anything, did you understand</p> <p>23 you would be doing?</p> <p>24 A Handling minor claims in like parking</p> <p>25 lots, just Fast Track simple claims. Non-injury</p>	<p style="text-align: right;">37</p> <p>1 M. ESTRADA</p> <p>2 Q Correct?</p> <p>3 A No, not that I recall.</p> <p>4 Q Was there anybody besides Mona who was</p> <p>5 responsible for supervising claims examiners in the</p> <p>6 Addison office?</p> <p>7 A Yeah. Rodger Terry.</p> <p>8 Q And did he supervise a different group of</p> <p>9 people?</p> <p>10 A Correct.</p> <p>11 Q And did that group have responsibility for</p> <p>12 handling damage to rental cars?</p> <p>13 A Yes.</p> <p>14 Q What state or states were you responsible</p> <p>15 for?</p> <p>16 A There was quite a few of them. I don't</p> <p>17 recall them all. It's been awhile.</p> <p>18 Q Well, can you recall any of them?</p> <p>19 A Yeah. There was Colorado, I believe.</p> <p>20 California, Florida, Washington. New Mexico, I</p> <p>21 think. That's all I can recall right now.</p> <p>22 Q Now, did you understand that when you</p> <p>23 started working for Philadelphia that you would also</p> <p>24 be responsible for investigating claims?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">58</p> <p>1 M. ESTRADA</p> <p>2 order to do that, there were times when you might</p> <p>3 not be familiar with the law in a particular state</p> <p>4 and you had to go look it up to see who would be --</p> <p>5 who's liable in the situation that you're presented</p> <p>6 with?</p> <p>7 A On rare occasion. I mean, normally it was</p> <p>8 parking lot accidents. Insured backed into a parked</p> <p>9 car.</p> <p>10 Q So normally you knew?</p> <p>11 A Yeah. Yeah. Because it was in Fast</p> <p>12 Track. I mean, it was mostly quick claims that --</p> <p>13 simple accidents.</p> <p>14 Q Okay. But there were times when you</p> <p>15 didn't know; is that right?</p> <p>16 A There were occasions, yeah, that a claim</p> <p>17 would come up. If I wasn't sure, I would usually</p> <p>18 ask my supervisor. She's more knowledgeable and</p> <p>19 more experienced.</p> <p>20 Q But you could ask your supervisor or you</p> <p>21 could consult the driving manual --</p> <p>22 A Yes.</p> <p>23 Q -- for the particular state; correct?</p> <p>24 A Yes.</p> <p>25 Q And that was a decision that you made,</p>	<p style="text-align: right;">60</p> <p>1 M. ESTRADA</p> <p>2 A Correct.</p> <p>3 Q And most times the damage was small?</p> <p>4 A Yes.</p> <p>5 Q Is that right?</p> <p>6 And part of what you had to determine</p> <p>7 is how much the damage was; correct?</p> <p>8 A No. The appraiser would do that.</p> <p>9 Q Well, in every situation, were you</p> <p>10 supposed to get an appraiser?</p> <p>11 A Absolutely.</p> <p>12 Q Even if it was under \$2,000?</p> <p>13 A Absolutely.</p> <p>14 Q And so it's your testimony here today that</p> <p>15 you always got an appraiser?</p> <p>16 A I always got an estimate.</p> <p>17 Q You always got an estimate?</p> <p>18 A Yeah. If it was under a couple of</p> <p>19 thousand, then we were allowed to have the insured</p> <p>20 or the claimant get an estimate from a local body</p> <p>21 shop.</p> <p>22 Q Okay. So the claim comes in. You would</p> <p>23 check to see if there was coverage; correct?</p> <p>24 A Yes.</p> <p>25 Q Okay. And then you would check to see if</p>
<p style="text-align: right;">59</p> <p>1 M. ESTRADA</p> <p>2 right?</p> <p>3 A Yes.</p> <p>4 Q Now, you were talking about the types of</p> <p>5 accidents.</p> <p>6 Most of the accidents that you</p> <p>7 handled were accidents that were worth about how</p> <p>8 much money?</p> <p>9 A A couple thousand; three, four, 5,000.</p> <p>10 Q Small, right?</p> <p>11 A Yes.</p> <p>12 Q Okay. Can you give me a sense of what</p> <p>13 kinds of things you'd be handling?</p> <p>14 A As?</p> <p>15 Q You said a parking lot accident.</p> <p>16 Somebody --</p> <p>17 A Insured backed into a parked vehicle. Um,</p> <p>18 normally we hit a parked car.</p> <p>19 Q So normally either your person hit a</p> <p>20 parked car or somebody hit your insured?</p> <p>21 A Correct.</p> <p>22 Q Or how about if somebody broke into a car?</p> <p>23 A Yes.</p> <p>24 Q So there'd be -- it all centered on damage</p> <p>25 to the car?</p>	<p style="text-align: right;">61</p> <p>1 M. ESTRADA</p> <p>2 there was liability?</p> <p>3 A Yes.</p> <p>4 Q Okay. And then you said that -- would you</p> <p>5 call the insured?</p> <p>6 A Yes.</p> <p>7 Q And why were you calling the insured?</p> <p>8 A To get the statement from the driver on</p> <p>9 what happened. Usually, they say I backed into a</p> <p>10 vehicle. You know, whatever happened in the</p> <p>11 accident.</p> <p>12 Q Did you ever have situations where the</p> <p>13 insured said it wasn't their fault?</p> <p>14 A Yes.</p> <p>15 Q And how often would that happen?</p> <p>16 A On occasion.</p> <p>17 Q And what happened; what were you supposed</p> <p>18 to do then?</p> <p>19 A I'd talk to the claimant and see their</p> <p>20 side of the story. A lot of times there's a police</p> <p>21 report, which we would go by that, the police</p> <p>22 report. Being that it was a commercial insurance, a</p> <p>23 lot of the companies made sure that the drivers</p> <p>24 always got a police report, so that was really</p> <p>25 helpful.</p>

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<p style="text-align: right;">62</p> <p>1 M. ESTRADA</p> <p>2 Q Okay. So you would talk to your insured;</p> <p>3 if your insured said it wasn't their fault, then you</p> <p>4 might reach out and talk to the other party?</p> <p>5 A Yeah.</p> <p>6 Q And what would you do if there was a</p> <p>7 disagreement between two parties about what</p> <p>8 happened?</p> <p>9 A Conflicting statements and there's no</p> <p>10 independent witnesses, then we would side with our</p> <p>11 insured.</p> <p>12 Q Okay. And you made the decision to side</p> <p>13 with your insured?</p> <p>14 A That's just something we're supposed to</p> <p>15 do.</p> <p>16 Q Well, did you ever have any situations</p> <p>17 where you felt that the person, the non-insured, had</p> <p>18 the more credible story?</p> <p>19 A No. If there's conflicting statements and</p> <p>20 no evidence to confirm that my insured was at fault,</p> <p>21 I would side with my insured.</p> <p>22 Q Now, when you say "no evidence," what kind</p> <p>23 of evidence?</p> <p>24 A Witnesses. If the damages didn't support</p> <p>25 what the insured claimed.</p>	<p style="text-align: right;">64</p> <p>1 M. ESTRADA</p> <p>2 A If the police report says this person was</p> <p>3 at fault, which a lot of times it does.</p> <p>4 Q So you would follow the police report?</p> <p>5 A Correct.</p> <p>6 Q So if you have conflicting statements,</p> <p>7 then you would ask whether there was a police</p> <p>8 report?</p> <p>9 A No. I'd ask that regardless.</p> <p>10 Q Okay. So you always ask for the police</p> <p>11 report?</p> <p>12 A If there's a police report.</p> <p>13 Q Okay. You said that you would ask if</p> <p>14 there had been independent witnesses. Who would you</p> <p>15 ask that question of?</p> <p>16 A Both the insured and the claimant.</p> <p>17 Q And what happens if there are independent</p> <p>18 witnesses?</p> <p>19 A I would contact them and see what they</p> <p>20 saw.</p> <p>21 Q Okay. So then you'd talk to the</p> <p>22 independent witnesses?</p> <p>23 A Correct.</p> <p>24 Q So who decides in that situation if the --</p> <p>25 once you talked to the independent witness, what do</p>
<p style="text-align: right;">63</p> <p>1 M. ESTRADA</p> <p>2 Q So if you have conflicting statements,</p> <p>3 then you'd have to determine whether or not there's</p> <p>4 other evidence; is that right?</p> <p>5 A Well, hopefully by then, you know, you</p> <p>6 know all the evidence.</p> <p>7 Q But you would -- I assume you have to get</p> <p>8 the evidence or look for the evidence; correct?</p> <p>9 A Yeah. As in evidence, was there any</p> <p>10 witnesses.</p> <p>11 Q Okay.</p> <p>12 A Independent witness.</p> <p>13 Q And how would you find out if there was</p> <p>14 any witnesses?</p> <p>15 A Asking both the driver and the claimant if</p> <p>16 there were any independent witnesses. Was there a</p> <p>17 police report done. If none exists, then I would</p> <p>18 side with my insured, if the statements were</p> <p>19 conflicting.</p> <p>20 Q Okay. Let's go one step at a time then.</p> <p>21 So if there's a police report, what</p> <p>22 would you do?</p> <p>23 A I'd go by the police report.</p> <p>24 Q You say you'd go by the police report.</p> <p>25 What does that mean?</p>	<p style="text-align: right;">65</p> <p>1 M. ESTRADA</p> <p>2 you do then?</p> <p>3 A Whichever they corroborate whose story,</p> <p>4 that's who I go with.</p> <p>5 If the witness says the insured</p> <p>6 backed into the claimant's car, then -- and the</p> <p>7 claimant is saying that the insured backed into his</p> <p>8 car, you got two people saying the same thing, then</p> <p>9 that's what you go with.</p> <p>10 Q So you'd make a judgment that if two</p> <p>11 people --</p> <p>12 A Versus the one, correct.</p> <p>13 Q And that in your judgment is you believe</p> <p>14 the two people?</p> <p>15 A Yes.</p> <p>16 Q Okay. Now, you said before that sometimes</p> <p>17 the damage didn't support the determination.</p> <p>18 A Didn't support the --</p> <p>19 Q The story. Okay. Yeah, what do you mean</p> <p>20 by that?</p> <p>21 A Just, I've had people, like -- I had an</p> <p>22 insured that was parked and she said somebody backed</p> <p>23 into her car, but then she's claiming damages to the</p> <p>24 front of the vehicle.</p> <p>25 The other side is like, well, I mean.</p>

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<p style="text-align: right;">66</p> <p>1 M. ESTRADA</p> <p>2 you can tell where the car was backed into, but</p> <p>3 you're claiming these damages. It just -- it</p> <p>4 doesn't make sense.</p> <p>5 Q So in that situation you made a</p> <p>6 determination that the insured wasn't telling the</p> <p>7 truth?</p> <p>8 A Correct.</p> <p>9 Q Okay. And you would deny coverage based</p> <p>10 on that?</p> <p>11 A No. I wouldn't deny coverage. I wouldn't</p> <p>12 pay for the damages that didn't support --</p> <p>13 Q Okay. So then you'd have to decide which</p> <p>14 damages, if any, actually supported the claim?</p> <p>15 A Yeah. And the appraiser would usually</p> <p>16 tell us, "Well, they're trying to say this damage</p> <p>17 was also caused in that accident, but I don't</p> <p>18 believe that it could have been, judging by that."</p> <p>19 Because they're the ones -- the appraiser's the ones</p> <p>20 looking at the vehicle, and they can tell, you know,</p> <p>21 if a vehicle was hit, by their experience, and say,</p> <p>22 it's not possible to cause that other damage.</p> <p>23 Q So the appraiser comes back and tells you</p> <p>24 that the damage is in a place that does make sense,</p> <p>25 in terms of the story, and then you determine, okay,</p>	<p style="text-align: right;">68</p> <p>1 M. ESTRADA</p> <p>2 Mona?</p> <p>3 A The estimates amounts; how the accident</p> <p>4 happened; you know, what I believe to be how the</p> <p>5 accident happened. I would ask her what she</p> <p>6 thought.</p> <p>7 Q So you would go to Mona and say, this is</p> <p>8 what I believe happened, and would you tell her who</p> <p>9 you thought was at fault and how much and why?</p> <p>10 A Yes.</p> <p>11 Q So you'd make a recommendation to her?</p> <p>12 A Correct.</p> <p>13 Q Okay. And did she always adopt your</p> <p>14 recommendations?</p> <p>15 A No. No. Not always.</p> <p>16 Q And can you think of any examples, sitting</p> <p>17 here today, when she didn't accept your</p> <p>18 recommendation?</p> <p>19 A Um, it's not that she just flat out</p> <p>20 didn't. She just thought, well, it's not worth it.</p> <p>21 Just go ahead and pay the whole claim.</p> <p>22 Q And how many times did that happen?</p> <p>23 A I couldn't tell you.</p> <p>24 Q More than five?</p> <p>25 A Yes. I'm sure.</p>
<p style="text-align: right;">67</p> <p>1 M. ESTRADA</p> <p>2 I'm going to go with what the appraiser says?</p> <p>3 A Correct.</p> <p>4 Q Okay. Have you had situations where the</p> <p>5 claimant is more credible, tells a story that makes</p> <p>6 more sense than what your insured is telling you?</p> <p>7 A Not that I recall, no.</p> <p>8 Q Um, usually it's by, you know, police</p> <p>9 report, if there is one, but if -- the only time I</p> <p>10 would think that would happen if the damages that</p> <p>11 the insured's saying just didn't match, if it just</p> <p>12 didn't make sense like that, then, you know, yeah, I</p> <p>13 think the claimant probably would be more credible.</p> <p>14 Q And then you'd side with the claimant --</p> <p>15 A Yes.</p> <p>16 Q -- or you'd decide that the claimant was</p> <p>17 more credible?</p> <p>18 A Yes.</p> <p>19 Q Okay. Now, what if they both had some</p> <p>20 degree of fault; what did you do then?</p> <p>21 A I would usually ask Mona, see what she</p> <p>22 thought. See if she wanted comparative negligence</p> <p>23 on that.</p> <p>24 Q You say you usually ask Mona.</p> <p>25 What information would you bring to</p>	<p style="text-align: right;">69</p> <p>1 M. ESTRADA</p> <p>2 Q How many claims did you handle that were</p> <p>3 more than \$10,000?</p> <p>4 A Very few. But there were some, but not a</p> <p>5 whole lot.</p> <p>6 Q Now, once you talked to your insured the</p> <p>7 first time, how many other times would you talk to</p> <p>8 the insured?</p> <p>9 A If I had more questions. It really</p> <p>10 depends on -- on the -- depends on if there was any</p> <p>11 other questions, or if the claimants had something,</p> <p>12 I just wanted to confirm with the insured.</p> <p>13 Q So you might go back to the insured and</p> <p>14 say, "I spoke to the claimant. They're saying</p> <p>15 something different," and get the insured's view</p> <p>16 again?</p> <p>17 A Correct.</p> <p>18 Q Right. And would you ever talk to the</p> <p>19 insured about what you'd learn from third-party</p> <p>20 witnesses?</p> <p>21 A Yes.</p> <p>22 Q So part of your job was really to</p> <p>23 investigate what happened?</p> <p>24 A Yes. Yes.</p> <p>25 Q Are you familiar with the concept of</p>

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<p style="text-align: right;">70</p> <p>1 M. ESTRADA</p> <p>2 betterment?</p> <p>3 A Yeah. Isn't that like when -- take a</p> <p>4 tire, you know, a tire. We're going to give</p> <p>5 somebody a brand new tire, but the tire that they</p> <p>6 had on their vehicle before was older, a lot older,</p> <p>7 wasn't new. So you would take betterment to be more</p> <p>8 even as to what they had.</p> <p>9 Q So you would reduce what you were going to</p> <p>10 pay them?</p> <p>11 A Yes.</p> <p>12 Q And did you?</p> <p>13 A The appraiser would do that.</p> <p>14 Q The appraiser would come to you with a</p> <p>15 recommendation about that?</p> <p>16 A It would be on their -- their estimate.</p> <p>17 Q And would you make a determination as to</p> <p>18 whether to go along with what the appraiser said, or</p> <p>19 not?</p> <p>20 A I always go along with what the appraiser</p> <p>21 says.</p> <p>22 Q I understand that you're saying that you</p> <p>23 always went along with it, but each time you decided</p> <p>24 whether to go along with it or not; correct?</p> <p>25 MS. COHEN: Objection. Asked and</p>	<p style="text-align: right;">72</p> <p>1 M. ESTRADA</p> <p>2 your opinion about some of their claims?</p> <p>3 A Well, not to -- to make the decision for</p> <p>4 them. Just to say. "Hey, you know, what do you</p> <p>5 think about this? I don't know if the insured's</p> <p>6 telling the truth." You know, just talking.</p> <p>7 Q So other claims examiners were trying to</p> <p>8 make a decision about a particular claim and they</p> <p>9 might come and ask you your opinion?</p> <p>10 A Yeah.</p> <p>11 Q And did you do the same thing?</p> <p>12 A Yeah.</p> <p>13 Q So if you were trying to make a decision</p> <p>14 about a particular claim, you might seek out the</p> <p>15 opinion of one of your claims examiners; is that</p> <p>16 right?</p> <p>17 A No. Just talking to them. Just to see</p> <p>18 what they think, you know.</p> <p>19 It wasn't to -- because I couldn't</p> <p>20 make the decision. Just, you know, "Hey, what do</p> <p>21 you think about this?"</p> <p>22 Q Because you felt that you could make the</p> <p>23 decision on any particular claim?</p> <p>24 A Yeah, usually, yes.</p> <p>25 Q Were there times when -- you said for some</p>
<p style="text-align: right;">71</p> <p>1 M. ESTRADA</p> <p>2 answered.</p> <p>3 THE WITNESS: I always go with what the</p> <p>4 estimate is.</p> <p>5 BY MS. BLOOM:</p> <p>6 Q So you made a decision to always go --</p> <p>7 A I was never told not to.</p> <p>8 Q Did anybody tell you to always go with the</p> <p>9 appraiser?</p> <p>10 A No.</p> <p>11 Q So that was something that you decided for</p> <p>12 yourself, because it made sense?</p> <p>13 A It's something we always did. We were</p> <p>14 never told otherwise.</p> <p>15 Q When you say, it's something that you</p> <p>16 always did, what knowledge, if any, do you have</p> <p>17 about how other claims examiners handled an</p> <p>18 appraiser report?</p> <p>19 A By talking to them.</p> <p>20 Q Are you -- when you say "by talking to</p> <p>21 them," what do you mean by that?</p> <p>22 A We talk to each other about claims that</p> <p>23 we've had; sometimes to get an opinion from them on</p> <p>24 what they thought about it.</p> <p>25 Q So other claims examiners would seek out</p>	<p style="text-align: right;">73</p> <p>1 M. ESTRADA</p> <p>2 claims where the damage was like under a couple</p> <p>3 thousand dollars, where the insured might go out and</p> <p>4 get their own appraisal; is that right?</p> <p>5 A Yes.</p> <p>6 Q Did you get an independent appraisal in</p> <p>7 those cases, also?</p> <p>8 A No.</p> <p>9 Q And did you always agree with what the</p> <p>10 insured's appraisal said?</p> <p>11 A Yeah. Pretty much. Unless there was some</p> <p>12 obvious, um -- you know, if -- if, um, the damages</p> <p>13 are claimed on the left side and then there's</p> <p>14 something on the right side that the estimate is</p> <p>15 willing to repair, then I would call the body shop</p> <p>16 and ask them, "How does that fit with the impact</p> <p>17 over here?"</p> <p>18 Q The impact on the other side?</p> <p>19 A Correct.</p> <p>20 Q And then you might decide to pay a lesser</p> <p>21 amount?</p> <p>22 A Yeah.</p> <p>23 Q And you'd make that decision?</p> <p>24 A No. No. I would usually ask Mona what</p> <p>25 she thought, because I'm really not that great with</p>

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<p style="text-align: right;">90</p> <p>1 M. ESTRADA</p> <p>2 efficient manner.</p> <p>3 MS. BLOOM: Okay. I hear you. I think</p> <p>4 the rules are really clear. I think if you</p> <p>5 have a question about what federal stip are.</p> <p>6 either you or her, you should read the rules.</p> <p>7 And my position is that under federal</p> <p>8 stip, she can only object to the form of the</p> <p>9 question, if she truly believes there's a</p> <p>10 problem with the form of the question.</p> <p>11 And so, to the extent anything other than</p> <p>12 that occurs, you know, clearly, if I think it's</p> <p>13 becoming intrusive, we'll take whatever action</p> <p>14 we need to.</p> <p>15 Do you have an objection to us continuing</p> <p>16 the deposition? And I would also ask that only</p> <p>17 one attorney speak on the record.</p> <p>18 MR. WILEY: Well, Miss Cohen will continue</p> <p>19 to defend the deposition. I certainly have no</p> <p>20 objection to continuing.</p> <p>21 BY MS. BLOOM:</p> <p>22 Q You had the authority -- is there</p> <p>23 something funny about that?</p> <p>24 A No.</p> <p>25 Q You had the authority to pay claims that</p>	<p style="text-align: right;">92</p> <p>1 M. ESTRADA</p> <p>2 thought you agreed with what your insured was</p> <p>3 telling you about how the accident happened;</p> <p>4 correct?</p> <p>5 A Yes.</p> <p>6 Q One of the things that you were evaluating</p> <p>7 as a claims examiner in the first instance was</p> <p>8 whether there was or was not actually coverage;</p> <p>9 correct?</p> <p>10 A Yes.</p> <p>11 Q And if there was coverage, whether there</p> <p>12 was liability; correct?</p> <p>13 First you would determine coverage,</p> <p>14 and then you'd have to determine if there was</p> <p>15 liability; is that right?</p> <p>16 A Correct. Correct.</p> <p>17 Q And if you determined that there was</p> <p>18 liability, then you'd have to determine the value of</p> <p>19 the claim; correct?</p> <p>20 A Right.</p> <p>21 Q And as part of that process, you would</p> <p>22 interview your insured, right?</p> <p>23 A Yes.</p> <p>24 Q If there was -- if there were witnesses,</p> <p>25 you would interview witnesses?</p>
<p style="text-align: right;">91</p> <p>1 M. ESTRADA</p> <p>2 were under \$10,000; is that right?</p> <p>3 A Yes.</p> <p>4 Q And you didn't have to discuss that with</p> <p>5 your supervisor; correct?</p> <p>6 A Correct.</p> <p>7 Q When you got an appraiser, did you ask for</p> <p>8 pictures of the property damage?</p> <p>9 A Yeah. They would always send pictures.</p> <p>10 Q Did you look at the pictures?</p> <p>11 A Yes. Sometimes.</p> <p>12 Q And in looking at the pictures, would</p> <p>13 you -- why would you be looking at the pictures?</p> <p>14 A To see where the damages are. See what</p> <p>15 damages were caused.</p> <p>16 Q And would you want to see where the damage</p> <p>17 was?</p> <p>18 A Yes.</p> <p>19 Q And would you want to compare that with</p> <p>20 what you were being told by your insured?</p> <p>21 A Correct.</p> <p>22 Q Why?</p> <p>23 A Just to make sure that it fit -- fit the</p> <p>24 statement of what happened.</p> <p>25 Q Okay. So to make sure that -- that you</p>	<p style="text-align: right;">93</p> <p>1 M. ESTRADA</p> <p>2 A Correct.</p> <p>3 Q And you would also interview a claimant if</p> <p>4 there was somebody other than your insured involved;</p> <p>5 correct?</p> <p>6 A Correct.</p> <p>7 MS. COHEN: Objection. Asked and</p> <p>8 answered.</p> <p>9 BY MS. BLOOM:</p> <p>10 Q And other than Miss Manning, you did not</p> <p>11 help any of the other claims examiners with their</p> <p>12 claims; is that right?</p> <p>13 A Correct.</p> <p>14 Q And with regard to the help that you gave</p> <p>15 Miss Manning, that help was limited to helping her</p> <p>16 find an independent appraiser; correct?</p> <p>17 A No. No. There was other times where I</p> <p>18 helped her with other things.</p> <p>19 Q Like what?</p> <p>20 A She, um, her liability. She kind of</p> <p>21 questioned herself sometimes. And I'd kind of just</p> <p>22 help her walk through it, how the accident happened,</p> <p>23 and she figures out that she was right to begin</p> <p>24 with.</p> <p>25 Q So she was trying to determine whether</p>

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<p style="text-align: right;">102</p> <p>1 M. ESTRADA</p> <p>2 A Yes.</p> <p>3 Q And in answering Interrogatory Number 6,</p> <p>4 you provided a breakdown of the number of overtime</p> <p>5 hours per-week that you believed you worked. And</p> <p>6 can you just look at that with me, please?</p> <p>7 A Yes.</p> <p>8 Q It's on page 5.</p> <p>9 A I've got it here.</p> <p>10 Q So in Answer to Interrogatory Number 6,</p> <p>11 you said that you worked, approximately, three to</p> <p>12 four hours of overtime per-week in 2009; is that</p> <p>13 right?</p> <p>14 A Correct.</p> <p>15 Q Does that sound accurate to you sitting</p> <p>16 here today?</p> <p>17 A As a best guess.</p> <p>18 Q Do you have any records that would reflect</p> <p>19 that?</p> <p>20 A No. No, no. Not at all.</p> <p>21 Q And then you say that in 2010, you worked</p> <p>22 five to six hours of overtime?</p> <p>23 A Correct.</p> <p>24 Q And do you have any records that would</p> <p>25 reflect that?</p>	<p style="text-align: right;">104</p> <p>1 M. ESTRADA</p> <p>2 Q Do they ever -- were they ever not -- were</p> <p>3 they ever non-electronic?</p> <p>4 A No.</p> <p>5 Q So did you always have to review those on</p> <p>6 Image Right?</p> <p>7 A No, no. It was a PDF file. I would</p> <p>8 download them to a memory stick and take them home</p> <p>9 to review them, or print them out sometimes.</p> <p>10 Q And what were you doing during the five to</p> <p>11 six hours of overtime you claim you worked per-week</p> <p>12 in 2010?</p> <p>13 A The same thing. Claim volume was higher.</p> <p>14 So there was more work that needed to be done.</p> <p>15 Q And what about in 2011?</p> <p>16 A The same.</p> <p>17 Q And when you say three to four hours a</p> <p>18 week, are you claiming that was every week?</p> <p>19 A No. No. Not every week.</p> <p>20 Q About how many weeks?</p> <p>21 A I honestly couldn't say for sure. More</p> <p>22 than half.</p> <p>23 Q And was it always three to four hours?</p> <p>24 A No. Sometimes it was a little more.</p> <p>25 Sometimes it probably could have been less.</p>
<p style="text-align: right;">103</p> <p>1 M. ESTRADA</p> <p>2 A No.</p> <p>3 Q And then you say in 2011, seven to ten</p> <p>4 hours of overtime a week?</p> <p>5 A Correct.</p> <p>6 Q Do you have any records that would reflect</p> <p>7 that?</p> <p>8 A No. I don't.</p> <p>9 Q What were you doing during these three to</p> <p>10 four hours in 2009?</p> <p>11 A Working in claims.</p> <p>12 Q Where?</p> <p>13 A I'm sorry?</p> <p>14 Q Were you working in the office?</p> <p>15 A Some -- some in the office and some</p> <p>16 from -- at home.</p> <p>17 Q What kind of work were you doing at home,</p> <p>18 or do you claim you were doing at home?</p> <p>19 A Reviewing subrogation demands and</p> <p>20 estimates that would come in the day before.</p> <p>21 Because I usually like to get those paid out the</p> <p>22 following morning.</p> <p>23 Q The subrogation demands and estimates,</p> <p>24 were they electronic?</p> <p>25 A Yes.</p>	<p style="text-align: right;">105</p> <p>1 M. ESTRADA</p> <p>2 Q Did you have vacation?</p> <p>3 A Yes.</p> <p>4 Q And how many weeks vacation did you get a</p> <p>5 year?</p> <p>6 A Two.</p> <p>7 Q And would it be fair to say that you</p> <p>8 didn't work at all on your vacation?</p> <p>9 A Correct.</p> <p>10 Q And did you have any sick time at all?</p> <p>11 A Yes.</p> <p>12 Q How much?</p> <p>13 A I believe a week or two.</p> <p>14 Q Did you take your full sick time allotment</p> <p>15 each year that you were there?</p> <p>16 A I believe so, yes.</p> <p>17 Q And would it be fair to say that you</p> <p>18 didn't work during sick time?</p> <p>19 A Yes. Correct.</p> <p>20 Q Did you take any other time off while you</p> <p>21 were working for Philadelphia?</p> <p>22 A Not that I recall offhand.</p> <p>23 Q Now, when you said in 2010 that you worked</p> <p>24 five to six hours of overtime a week, are you</p> <p>25 claiming every week?</p>

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<p style="text-align: right;">114</p> <p>1 M. ESTRADA</p> <p>2 Q And what did you tell Mona?</p> <p>3 A I told her what the appraiser had said on</p> <p>4 his estimate, what the accident description was and</p> <p>5 what happened, how the accident is reported to have</p> <p>6 happened. And she agreed that those damages were</p> <p>7 not related.</p> <p>8 Q So you told her your opinion was that it</p> <p>9 wasn't related and that you should only pay a</p> <p>10 portion of it, and then she agreed with your</p> <p>11 opinion?</p> <p>12 A No. I was telling her the appraiser says</p> <p>13 that those damages were not related to the accident.</p> <p>14 Q And you told her that that's what you told</p> <p>15 the insured?</p> <p>16 A Correct.</p> <p>17 Q I assume that if you didn't agree with</p> <p>18 that, you wouldn't have told the insured that; is</p> <p>19 that right?</p> <p>20 A Right.</p> <p>21 Q Okay. So you thought that what the</p> <p>22 appraiser said made sense in terms of everything</p> <p>23 that you understood about the damage and the</p> <p>24 description of the accident?</p> <p>25 A Correct.</p>	<p style="text-align: right;">116</p> <p>1 M. ESTRADA</p> <p>2 do you do?</p> <p>3 A I take it to Mona.</p> <p>4 Q What do you say to the insured? Like in</p> <p>5 the example that you gave us, you told the insured</p> <p>6 that you'd only pay what the appraiser said: is that</p> <p>7 right?</p> <p>8 A Right.</p> <p>9 Q Before you told the insured that, did you</p> <p>10 tell Mona?</p> <p>11 A Before I told the insured?</p> <p>12 Q Yeah.</p> <p>13 A No. No. She actually called Mona</p> <p>14 herself.</p> <p>15 Q After you had told her that?</p> <p>16 A Yes. To complain.</p> <p>17 Q So when you say that you don't do</p> <p>18 negotiations, you mean that you accept what the</p> <p>19 appraiser says and you tell the insured that's what</p> <p>20 we're paying?</p> <p>21 A Correct.</p> <p>22 Q And then if the insured says how about</p> <p>23 \$500 more, you'd say no, I'm only going to pay what</p> <p>24 the appraiser says?</p> <p>25 A Um, yes. There are instances that I'll</p>
<p style="text-align: right;">115</p> <p>1 M. ESTRADA</p> <p>2 Q Okay. And then you told Mona that?</p> <p>3 A Told --</p> <p>4 Q Did Mona back you up?</p> <p>5 A Yeah. Yeah. The insured actually ended</p> <p>6 up filing a suit against us and never showed up.</p> <p>7 Q And what involvement did you have in the</p> <p>8 lawsuit?</p> <p>9 A None.</p> <p>10 Q How many times do insureds file lawsuits</p> <p>11 resulting from claims that you handled?</p> <p>12 A That's the only one that I can recall.</p> <p>13 Q So going back to negotiation, exactly what</p> <p>14 do you mean by the term "negotiation" in paragraph 1</p> <p>15 of the complaint?</p> <p>16 A Negotiating damage amounts, what I'm going</p> <p>17 to pay them for their damages.</p> <p>18 I don't decide or make any decisions</p> <p>19 on how much their damages is going to be.</p> <p>20 Q You just rely on the appraiser?</p> <p>21 A Correct. Yeah. Because I don't have</p> <p>22 access to the car. I've never seen it. I'm in the</p> <p>23 Dallas office handling claims in other states.</p> <p>24 Q But if there's a disagreement between what</p> <p>25 the insured said and what the appraiser says, what</p>	<p style="text-align: right;">117</p> <p>1 M. ESTRADA</p> <p>2 say, well, let me see what my supervisor says and</p> <p>3 I'll ask Mona and usually no, we go by what the</p> <p>4 estimate is.</p> <p>5 Q So you might go back to Mona and say --</p> <p>6 A This insured is not -- is not agreeing</p> <p>7 with the estimate from the appraiser.</p> <p>8 Q And then do you ever end up paying more</p> <p>9 money?</p> <p>10 A No. I've never -- I don't recall ever</p> <p>11 having to pay more.</p> <p>12 Q So then you go back to the insured and</p> <p>13 say, I'm not going to pay more?</p> <p>14 A Correct.</p> <p>15 Q Did you mean anything else by</p> <p>16 "negotiation"?</p> <p>17 A No.</p> <p>18 MR. WILEY: If this is a stopping point,</p> <p>19 perhaps we can have a break?</p> <p>20 MS. BLOOM: Sure.</p> <p>21 MR. WILEY: It's also noon. I don't know</p> <p>22 when you were planning on stopping for lunch.</p> <p>23 MS. BLOOM: I'd actually like to go a</p> <p>24 little -- like we can take a few minutes now,</p> <p>25 and then I'd like to go maybe till one and then</p>

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<p style="text-align: right;">146</p> <p>1 M. ESTRADA</p> <p>2 Q Did you have a personal e-mail address?</p> <p>3 A On Yahoo.</p> <p>4 Q And did you ever use that for work?</p> <p>5 A For work. I sent myself stuff from work,</p> <p>6 um, things that I wanted to review. If I needed to,</p> <p>7 I'd send it to myself on that e-mail address so I</p> <p>8 can access it from home.</p> <p>9 Q So you -- you would e-mail from your work</p> <p>10 address to your personal Yahoo address?</p> <p>11 A Yes.</p> <p>12 Q So that -- but that would be reflected in</p> <p>13 your work e-mail?</p> <p>14 A Yes.</p> <p>15 Q Okay. Did you ever e-mail from your</p> <p>16 personal Yahoo address to insureds or appraisers,</p> <p>17 anything like that?</p> <p>18 A No.</p> <p>19 Q You used your work for that?</p> <p>20 A Yes.</p> <p>21 Q Did you e-mail anybody from work from your</p> <p>22 Yahoo account about work-related business?</p> <p>23 A I'm sorry?</p> <p>24 Q Would you -- did you use your Yahoo</p> <p>25 account to conduct any work-related business?</p>	<p style="text-align: right;">148</p> <p>1 M. ESTRADA</p> <p>2 A No, there isn't. Not that I know of.</p> <p>3 Q Have you, or has anyone on your behalf,</p> <p>4 been in contact with any of the claims examiners</p> <p>5 that you worked with in Addison?</p> <p>6 A Have I?</p> <p>7 Q Or someone on your behalf, like your</p> <p>8 lawyer's been in contact with any of your --</p> <p>9 A I have.</p> <p>10 Q -- co-workers? You have?</p> <p>11 A Personal.</p> <p>12 Q Anything related to the lawsuit?</p> <p>13 A No.</p> <p>14 Q Has anybody expressed an interest to you</p> <p>15 in joining the lawsuit?</p> <p>16 A No. I really don't talk to anybody about</p> <p>17 it.</p> <p>18 Q During the time that you were working for</p> <p>19 the company, did anybody complain to you about their</p> <p>20 hours?</p> <p>21 A Yes.</p> <p>22 Q Who?</p> <p>23 A Almost everybody in my group.</p> <p>24 Q About -- what about the hours?</p> <p>25 A Having to work so much overtime to keep up</p>
<p style="text-align: right;">147</p> <p>1 M. ESTRADA</p> <p>2 A No.</p> <p>3 Q And you didn't have a Blackberry?</p> <p>4 A No.</p> <p>5 Q Any kind of a smart phone?</p> <p>6 A No.</p> <p>7 Q And you said that -- to the extent you</p> <p>8 took work home, you were taking home subrogation?</p> <p>9 A Subrogation demands and estimates.</p> <p>10 Sometimes just mail if it was piling</p> <p>11 up.</p> <p>12 Q If it was what?</p> <p>13 A Mail that may have been piling up.</p> <p>14 Q You told me the hours of the office where</p> <p>15 you worked.</p> <p>16 Do you know the hours in any of the</p> <p>17 other defendant's offices?</p> <p>18 A No.</p> <p>19 Q Have you, or has anyone on your behalf,</p> <p>20 asked anybody to join this lawsuit with you?</p> <p>21 A No.</p> <p>22 Q Do you know if there is anybody else</p> <p>23 interested in joining this lawsuit?</p> <p>24 A No.</p> <p>25 Q No, you don't know or, no, there isn't?</p>	<p style="text-align: right;">149</p> <p>1 M. ESTRADA</p> <p>2 with the volume of claims we were receiving.</p> <p>3 Q And that's the overtime hours that you</p> <p>4 previously described for me?</p> <p>5 A Correct.</p> <p>6 Q You have no knowledge about how much time</p> <p>7 anybody else actually spent working other than in</p> <p>8 the office; correct?</p> <p>9 A Correct. They'll tell me about coming in</p> <p>10 on weekends and working late, till 8:00 in the</p> <p>11 evening during the work days, but I never physically</p> <p>12 saw them.</p> <p>13 Q And you never came in the office on a</p> <p>14 weekend, right?</p> <p>15 A Yes.</p> <p>16 Q How many times?</p> <p>17 A A few. I don't know how many exactly.</p> <p>18 Q And do you remember seeing anybody else</p> <p>19 there?</p> <p>20 A Yeah. I've seen Mona there. I've seen</p> <p>21 Shakelia Hayes there.</p> <p>22 Q Anybody else?</p> <p>23 A Not that I recall.</p> <p>24 Q When you would contact an insured to</p> <p>25 investigate a claim, what method would you use to</p>